

REMARKS

Claims 1-11, 15 and 19-25 have been examined. Claims 1, 5-8, 10, 11, 15, 20, 21/(1, 5-8, 10, 11, 15, 20), 23 and 24 have been rejected under 35 U.S.C. § 102(b), claims 2-4, 19, 21/(2-4, 9, 19,) 22, and 25 have been rejected under 35 U.S.C. § 103(a).

I. Rejection of Claims 1, 5-8, 10, 11, 15, 20, 21/(1, 5-8, 10, 11, 15, 20), 23 and 24 Under 37 C.F.R. § 102(b)

Claims 1, 5-8, 10, 11, 15, 20, 21/(1, 5-8, 10, 11, 15, 20), 23 and 24 Under 37 C.F.R. § 102(b) under 35 U.S.C. § 102(b) as being anticipated by Katakura (JP 11-70654).

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites that the protection layer is provided so as to cover a region facing a corner portion of the pressure generating chamber. A non-limiting embodiment of such a feature is disclosed in Fig. 5A. As shown in Fig. 5A, the protection layer 100 covers the region of the corner of the pressure generating chamber 12.

Applicant submits that Katakura fails to teach or suggest such a feature. For example, Fig. 3 of Katakura depicts a plan view of the components of the ink jet recording head. As shown, the alleged protective layer (i.e. the portion of upper electrode 23 that extends to the right hand side of the figure) does not cover the region of the corner portion of the pressure generating chamber 11(12) (in Fig. 3 the pressure generating chambers 11(12) are shown as the white open boxes underlying the upper electrode 23). The upper electrode 23 is shown to be narrower than the pressure generating chambers.

Since none of the corner portions of the pressure generating chambers of Katakura are covered by the alleged protection layer, Applicant submits that claim 1 is patentable over the cited reference.

Also, since the Applicant merely incorporated the subject matter of claim 5 into claim 1, and the Examiner has already rejected claim 5 in view of Katakura (i.e. has already searched and considered the subject matter of claim 5), Applicant submits that the amendment does not require further search or consideration.

B. Claim 5

Since claim 5 has been canceled, without prejudice or disclaimer, and the subject matter of claim 5 has been incorporated into claim 1, Applicant refers the Examiner to the comments presented above.

C. Claims 6-8, 10, 11, 15, 21 and 23

Since claims 6-8, 10, 11, 15, 21 and 23 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

D. Claim 20

Applicant submits that Katakura does not teach or suggest the formation of the pressure generating chamber or piezoelectric element, as set forth in claim 20. Accordingly, Applicant submits that claim 20 is patentable over the cited reference.

If the Examiner wishes to persist in the above rejection, Applicant respectfully requests the Examiner to specifically indicate where Katakura discloses the claimed features.

E. Claim 24

Applicant submits that claim 24 is patentable over the cited reference. For example, claim 24 recites that the electrode wiring is distinct from and connected to the upper electrode.

The terms “distinct from” clearly indicate that the electrode wiring and the upper electrode are formed as two separate elements, but are merely connected together. On the contrary, the Examiner maintains that the portion of the upper electrode 23 of Katakura, which extends into the non-active portion on the left-hand side the of the Examiner’s annotated figure, discloses the claimed electrode wiring. However, since the alleged electrode wiring forms a part of the upper electrode 23 itself, Applicant submits that Katakura fails to teach or suggest the features of claim 24.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

II. Rejection of Claims 2-4, 9, 19, 21/(2-4, 9, 19), 22 and 25 under 35 U.S.C. § 103(a)

Claims 2-4, 9, 19, 21/(2-4, 9, 19), 22 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al., (EP 0 976 560 A2) in view of Katakura (JP 11-70654).

A. Claims 2, 3, 4, 19, 21, 22 and 25

Since claims 2, 3, 4, 19, 21, 22 and 25 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

B. Claim 9

Claim 9 recites that the protection layer has a higher rigidity than the lower electrode.

The Examiner acknowledges that Shimada fails to disclose such a feature, but contends that Katakura does. In particular, the Examiner maintains that since the alleged protection layer is thicker than the lower electrode, the rigidity is therefore higher. However, the annotated figure provided by the Examiner shows the alleged protection layer to be *thinner* than the lower electrode, rather than *thicker* than the lower electrode. In addition, even if Applicant assumed *arguendo* that the alleged protection layer is thicker than the lower electrode, the thickness does not necessarily indicate “rigidity” (i.e. a thin layer can be made of a more rigid material than a thick layer).

Since the Examiner has not pointed to any specific teaching of Katakura that suggest that the alleged protection layer has a higher rigidity than the lower electrode, Applicant submits that claim 9 is patentable over the cited references.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

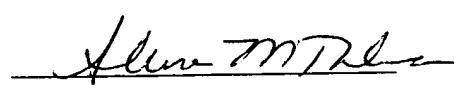
AMENDMENT UNDER 37 C.F.R. § 1.116
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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